

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KALVIN N. CRAVEN,
Petitioner,
v.
JIM ROBERTSON,
Respondent.

Case No. [20-cv-01933-SI](#)

**ORDER DENYING PETITIONER'S
SECOND MOTION FOR EXTENSION
OF TIME AS MOOT AND DENYING
REQUEST TO FILE AMENDED
PETITION WITHOUT PREJUDICE**

Re: Dkt. No. 25

Counsel for petitioner has filed a motion seeking an extension of a January 27, 2021 deadline to file the traverse and requesting to file an amended petition.

As to the first request, the Court notes that the January 21, 2021 Order Reconsidering Earlier Order and Permitting Augmentation of the Record (Dkt. No. 24) set a new deadline of March 12, 2021 for petitioner to (1) augment the record and (2) file the traverse. As such, petitioner's request to change the January 27, 2021 deadline is moot.

With regard to filing an amended petition, counsel has not attached a proposed amended petition, and thus the Court cannot evaluate the merits of such a request. *See Lake v. Arnold*, 232 F.3d 360, 374 (3d Cir. 2000) ("Obviously, without this draft complaint, the District Court cannot evaluate the merits of a plaintiff's request . . . [T]he court had nothing upon which to exercise its discretion."). As such, the request is DENIED without prejudice to renewal. If plaintiff renews the request, he shall attach a copy of the proposed amended petition, and he shall also address whether there are any statute of limitations issues.

IT IS SO ORDERED.

Dated: January 25, 2021



SUSAN ILLSTON
United States District Judge